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07 UNITED STATES DISTRICT COURT
08 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 UNITED STATES OF AMERICA,) Case No. MJ08-515
10 Plaintiff,)
11 v.) ORDER DENYING STIPULATED
12 JAMES P. PITMAN,) MOTION TO EXTEND TIME TO
13 Defendant.) FILE INDICTMENT


14 On December 8, 2008, the parties to the above-captioned matter filed a Joint Motion to
15 Extend Time to File Information or Indictment Under the Speedy Trial Act. Dkt. No. 8. The
16 motion argued that granting a continuance would satisfy the “ends of justice” by providing
17 the parties additional time to review discovery materials, investigate the facts, negotiate a plea
18 and calculate potential restitution obligations. In addition, they argued that failure to grant the
19 extension would deny defendant and the government the right to have a reasonable amount of
20 time to prepare. *Id.*

21 Congress, however, “did not intend the ‘ends of justice’ exclusion to be granted as a
22 matter of course but rather [intended it] to be used sparingly and only when necessary.”
23 *United States v. Lewis*, 980 F.2d 555, 560 (9th Cir. 1992) (internal citations omitted). Hence,
24 an “ends of justice” exclusion may be granted only for a specific duration when “justified [on
25 the record] with reference to the facts as of the time the delay is ordered.” *United States v.*
26 *Ramirez-Cortez*, 213 F.3d 1149, 1154 (9th Cir. 2000). Generalized assertions that the “ends

01 of justice” will be satisfied by the granting of a continuance are insufficient. *Id.* at 1154-55.

02 Here, the parties have provided no evidence sufficient to justify granting a
03 continuance. Instead, they have alluded to the fact that calculation of restitution complicates
04 plea negotiations, and asserted that a continuance would satisfy the ends of justice. These
05 assertions are insufficient to justify a continuance. The parties’ motion is therefore DENIED.

06 DATED this 9th day of December, 2008.

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09 JAMES P. DONOHUE
10 United States Magistrate Judge
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